

**Remarks**

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3-7 and 9-19 are pending in the present application. Claims 2 and 8 have been canceled, claims 1, 3-5, 7, 9-11 and 13-15 have been amended and claim 19 has been added by the present amendment.

In the outstanding Office Action, claims 1 and 15 were objected to; claims 1, 3, 6, 7 and 12 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kobayashi in view of Smith; claims 13-18 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kobayashi in view of Fujiwara; and claims 2, 4, 5 and 8-11 were indicated as allowable if rewritten in independent form.

Applicants thank the Examiner for the indication of allowable subject matter. In light of this indication, claims 1 and 7 have been amended to include the subject matter recited in dependent claims 2 and 8, respectively. Accordingly, the rejection of claims 1, 3, 6, 7 and 12 under 35 U.S.C. § 103(a) as unpatentable over Kobayashi in view of Smith is moot.

Claims 13-18 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Kobayashi in view of Fujiwara. This rejection is respectfully traversed.

Amended independent claim 13 is directed to a method of inserting sync patterns in modulated data. The method includes receiving modulated channel data, and inserting a sync pattern in the channel data at intervals. Further, a total number of bits inserted for the sync pattern is varied based on whether the sync pattern represents a sector sync pattern or a frame

sync pattern. These features are supported at least by page 7, lines 5, for example. As described in this section of the specification, the total number of bits inserted is varied based on whether the sync pattern represents a sector sync pattern or a frame sync pattern. See also Figure 5. Thus, the total number of bits used for the sync pattern is reduced compared to the related art (see page 7, lines 18-23).

The Office Action relies on Fujiwara as teaching a length of a sector sync pattern being different from that of the frame sync pattern and cites col. 3, lines 3-5. However, as shown in Figures 2 and 4 of Fujiwara, the bit pattern b2, b1, b0 is always inserted between each frame. Thus, the total number of bits inserted is not varied based on whether the sync pattern represents a sector sync pattern for a frame sync pattern. That is, in Fujiwara, the number of bits is always 3 and is not varied as the present invention.

Accordingly, it is respectfully submitted independent claim 13 and each of the claims depending therefrom are also allowable.

Further, new claim 19, which depends on claim 13, has been added to set forth the invention in a varying scope, and corresponds to subject matter similar to that recited in original dependent claim 2.

In addition, the specification has been amended to correct minor informalities. No new matter has been added. Claims 1 and 15 have also been amended to address the objections noted in the Office Action.

**Conclusion**

For the foregoing reasons and in view of the above clarifying amendments, the Examiner is respectfully requested to reconsider and withdraw all of the rejections of record, and to provide an early issuance of a Notice of Allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact David A. Bilodeau, Reg. No. 42,325, (703) 205-8072, at the offices of Birch, Stewart, Kolasch & Birch, LLP, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASH & BIRCH, LLP

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By Esther H. Chong  
Esther H. Chong, #40,953

P.O. Box 747  
Falls Church, VA 22032-0747  
(703) 205-8000

DAB  
EHC/DAB/jg